

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Shawn Wilding,

plaintiff

v.

Seranton CCC Center (SDTP),

Seranton Geo, Jeffrey James,

Joseph Fabratoce, Alissa Owen,

Thomas Brogan, Shag Tusha Parker,

Kenny Fuentes, Cassandra Pugh

defendants

Civil Complaint No.

3:23-CV-1879

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### I. JURISDICTION + VENUE

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under the color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1333(a)(3). Plaintiff, Shawn Wilding seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff, Shawn Wilding, claims for injunctive relief are authorized by 28 U.S.C. Sections 2283 + 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The United States District Court, for the Middle District of Pennsylvania, is an appropriate venue under 28 U.S.C. Section 1331(b)(2) because it is where the events giving rise to this claim occurred.

### II PLAINTIFFS

3. Plaintiff, Shawn Wilding, is and was at all times mentioned herein a prisoner of the State of Pennsylvania, in the custody of the Pennsylvania Department of Corrections, (SDTP), Scranton CCC Center, Scranton Geo. Shawn Wilding is currently confined in, SCI Mahanoy, Frackville Pennsylvania

### III DEFENDANTS

4. Defendant, Scranton CCC Center, run by the Pennsylvania Department of Corrections.
5. Defendant, Scranton Geo, run by the Pennsylvania Department of Corrections.
6. Defendant, Jeffrey James, the CEO of the Scranton CCC Center, (SDTP), run by the Department of Corrections, Pennsylvania
7. Defendant, Joseph Fabratore, an officer at the DOC run, Scranton CCC Center, Pennsylvania, (SDTP)
8. Defendant, Alissa Owens, an employee of the Scranton CCC Center, run by the Pennsylvania Department of Corrections, (SDTP) <sup>officer</sup>
9. Defendant, Thomas Brogan, an officer, at the Scranton CCC Center, run by the Pennsylvania Department of Corrections, (SDTP)
10. Defendant, Kenny Fuentes, an officer, at Scranton Geo, run by the Pennsylvania Department of Corrections
11. Defendant, ShagJusha Parker, an officer, at Scranton Geo, run by the Pennsylvania Department of Corrections
12. Defendant, Cassondria Pugh, a (cms) employee, at Scranton Geo, run by the Pennsylvania Department of Corrections.

### III FACTS

13. Plaintiff, Shawn Wilding, was furloughed to the State Drug Treatment Program, (SDTP), on May 24, 2023, at the Scranton CCC Center.
14. The address to the Scranton CCC Center is, 240 Adams Ave., Scranton, PA 18503
15. When I arrived I had my medication on me, which was a 30 day supply of Xanax (Alprazolam) 2mg, Adderall XR, time released capsules, 30 mg tablets, and Subutex, 16 mg.
16. On May 24, 2023, upon my arrival to the Scranton CCC Center, c/o Joseph Fabratore, logged in my medication, Xanax, Adderall, and Subutex, which were handed in
17. My medication was dispensed to me by C/Os who do not have a license or any training to handle or distribute Schedule I narcotics
18. I suffered two severe panic attacks at the Scranton CCC Center, on consecutive days, but they couldn't give me my Xanax because my medication was "lost."
19. My Father, Michael Wilding, had to bring me to the (ER) at the CMC Hospital, on June 16 + 17, 2023
20. I was not on parole, I was furloughed to the Scranton CCC Center, to the State Drug Treatment Program (SDTP)
21. I notified Jeffrey James, the CEO of the Scranton CCC Center, he told me to drop the issue of them losing my medication, and I could go back to my home plan.
22. Plaintiff's mother, Phyllis Wilding, talked to Alissa Owens, and she told Plaintiff's mother that she couldn't find his meds.
23. Alissa Owens brought me in a fanny pack to my room, and in the pack was my script of Xanax
24. I was then written a misconduct for having my prescription in my locker

25. On October 3, 2023, I got my decision back and was found guilty on charge # 34(
26. I was kicked out of the State Drug Treatment Program (SDTP)
27. I was written a misconduct for having medication that was given to me by the C/los at the Scranton CCC center.
28. While at the Scranton CCC center, the (SDTP) makes us give urines, every weekend, and I always test positive for Xanax (alprazolam), because I have a prescription, otherwise I'd be in prison (returned) for testing positive for benzos.
29. On May 23, 2023, I went to my doctor in Wilkes Barre, Dr. Fine, and he prescribed me 2mg Xanax, 30mg Adderall, and 16mg subutex
30. In the Scranton CCC center handbook, 11-5, it states that the inmate is the only one allowed to possess his medication, and he is to have his own box with a lock.
31. The C/los and staff at both Scranton CCC Center and Scranton Geo, both lost my medication, never counted my medication, and improperly and without a license dispensed my medication

#### IV LEGAL CLAIMS

32. The deliberate indifference to medical needs, unreasonable care and concern, which is a violation of the Eighth Amendment of the United States Constitution, of the plaintiff, Shawn Wilding
33. Due to the C/los and staff at the Scranton CCC center (SDTP) and the Scranton Geo Program, the plaintiff was harmed both physically and mentally. Losing the plaintiff's medication, causing him to have two severe panic attacks and having him walk to the (ER).

34. The plaintiff's procedural due process rights under the fourteenth Amendment were violated because plaintiff was terminated from the State Drug Treatment Program (SDTP), and thus caused him to have <sup>aled</sup> to do more time in prison, which is treatment that can <sup>on</sup> "atypical and significant hardship on the prisoners in relation to the ordinary incidents of prison life." See Supreme Court Case, *Sandin v. Conner*, 515 U.S. 472 (1995)

35. The C/Jos and staff at the Scranton CCC Center gave the plaintiff his medication, and then wrote him up for having it

36. The C/Jos and employees of the Scranton CCC Center and Scranton Geo, "failed to use reasonable care" by losing his medication causing him to have severe panic attacks, which is negligence.

37. Also the emotional stress caused by the plaintiff being terminated from the (SDTP), thus causing plaintiff to have to do more time.

38. The plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

#### PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

39. A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States.

40. Compensatory damages in the amount of \$75,000.00 against each defendant, jointly and severally  
(5)

41. Punitive damages in the amount of \$250,000.00 against each defendant
42. A jury trial on all issues triable by jury
43. Plaintiffs costs in this suit
44. Any additional relief this court deems just, proper, and equitable

Date:

Respectfully submitted,  
Shawn Wildung

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at, Frackville, Pennsylvania, on November 3, 2023

Shawn Wilding

Shawn Wilding, No: QP-0291

McHoney  
301 Grey Line Drive  
Frankville, PA 17931

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CORRECTIONS

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